

Appl. No. 09/805,959  
Amendment Dated February 9, 2006  
Reply to Office Action of August 10, 2005

REMARKS/ARGUMENTS

Responsive to the Office Action, Applicant presents with this Amendment amended Claims 1 and 15 with original Claims 2 through 14, 16 and 17 also remaining dependent on amended Claim 1. Claim 1 has been amended to recite additional steps which are believed to clearly render Claim 1 and the claims dependent thereon in conformance with 35 U.S.C. 101 and to distinguish patentably over the prior art cited in the rejection of the claims under 35 U.S.C. 103(a). Claim 15 has been amended to properly depend from Claim 1 pursuant to the amendments to Claim 1.

In particular, Claim 1 has been amended to recite the steps of determining a quantity of gas to be purchased based on at least, in part, historic demand data for gas in an area served by the utility. Claim 1 has also been amended to recite the step of determining gas deliverability capacity of the storage facility by selected measurements of gas pressure to provide for scheduling one of repayment and rollover of the debt instruments.

Claim 1, as amended, together with Claims 2 through 17 remaining dependent thereon is believed to meet the requirements under 35 U.S.C. 101 of a tangible result. Clearly, the steps of determining a quantity of gas to be purchased based on historic demand data enables the step of acquiring funds to pay for the gas purchased by the intermediary by issuing debt instruments based on the quantity of gas to be purchased. Still further, the step of determining gas deliverability capacity of the storage facility by making selected pressure measurements to provide for scheduling one of payment and rollover the debt instruments enables the step

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of conducting one or more of the repayment and rollover of the debt instruments and maturities thereof as set forth in the claims. Accordingly, physical process steps are carried out as set forth in Claim 1, as amended, which provide the tangible result of financing the purchase and distribution of gas by an intermediary and which does not introduce a further financial burden on entities such as gas utilities.

Still further, Applicant respectfully submits that Claim 1, as amended, provides a limitation in the technological arts that enables a useful, concrete and tangible result as explained above. The steps of determining the quantity of gas to be purchased based on historic demand data and the step of determining gas deliverability capacity of a storage facility by making selected pressure measurements enables the step of conducting one of repayment and rollover of debt instruments to facilitate the method of acquiring and distributing natural gas in relatively large quantities. Accordingly, the invention recited in Claim 1 is believed to clearly recite technology including, in particular, determining a quantity of gas to be purchased based on historic demand data measured for areas served by the utility, and determining gas deliverability capacity by selected measurements of gas pressure at the storage facility to provide for scheduling the treatment of debt instruments. The claims now presented are directed to technology and provide a tangible result. Withdrawal of the rejection of Claims 1 through 17 under 35 U.S.C. 101 is respectfully solicited.

In the Office Action the Examiner rejected Claims 1 through 17 under 35 U.S.C. 103(a) based on selected combinations of references, the primary one of which is U.S. Patent 6,671,585 to Lof, et al. The Lof, et al. reference has

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an effective filing date of December 29, 2000. Applicant submits with this amendment a Declaration under 37 C.F.R. 1.131 that Applicant conceived the invention set forth in the claims prior to December 29, 2000, said Declaration including documented evidence of such conception and due diligence from just prior to said date up to the filing of the instant application. Accordingly, withdrawal of the Lof, et al. reference with respect to the claims currently pending in this application is respectfully requested. The evidence set forth in the affidavit indicates that Applicant conceived the invention disclosed and claimed in the above-identified patent application in the United States prior to December 29, 2000, including, for example, the operational sequence set forth in Claim 1 which is essentially set forth on the first page of Exhibit A to the Declaration and is reinforced by additional description throughout the ten (10) pages of Exhibit A to the Declaration. Accordingly, withdrawal of the Lof, et al. reference is respectfully requested.

Notwithstanding the documented evidence of prior invention of the processes set forth in Claims 1 through 17 by Applicant in the above-identified application, Claims 1 through 17 as now presented are believed to distinguish patentably over Lof, et al. together with the secondary references. With respect to Claim 1, for example, as amended herein, neither Lof, et al. nor U.S. Patent 5,794,212 to Mistr, Jr. disclose or suggest a method for acquiring and distributing natural gas in large quantities by a gas utility wherein the purchase of the gas from a producer and distributed by the utility is financed by an intermediary entity and further wherein such entity determines the quantity of gas to be purchased based at least in part on historic demand data in an area served by the

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utility. Neither the Mistr, Jr. reference nor Lof, et al. disclose or suggest determining gas deliverability capacity of a storage facility by selected measurements of gas pressure at the storage facility to provide for scheduling one of repayment and rollover of debt instruments which were issued to provide for purchasing the gas by the intermediary entity. Accordingly, Claim 1, for example, sets forth the steps of determining the quantity of gas to be purchased based on historic demand in a particular area, issuing debt instruments based on the quantity of gas to be purchased and followed by determining the gas deliverability capacity of the storage facility. Accordingly reconsideration for allowance of Claims 1 through 17 is respectfully requested.

Applicant has made a diligent effort to advance the prosecution of this application by amending independent Claim 1, by presenting herewith a Declaration under 37 C.F.R. 1.131 including evidence that Applicant conceived the invention set forth in the claims prior to the effective date of the principal reference (U.S. Patent 6,671,585 to Lof, et al.) and by pointing out with particularity herein how the claims as now presented distinguish patentability. An early Notice of Allowance of Claims 1 through 17 as now presented is respectfully solicited.

Respectfully submitted,

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Michael E. Martin  
Michael E. Martin  
Registration No. 24,821  
Agent for Applicants

Gardere Wynne Sewell LLP

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1601 Elm Street, Suite 3000  
Dallas, Texas 75201-4761  
Phone (214) 999-4052  
Fax (214) 999-3052

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